

1 DECONCINI MCDONALD YETWIN & LACY, P.C.
2 7310 NORTH 16TH STREET, SUITE 330
3 PHOENIX, ARIZONA 85020
4 PHONE: 602-282-0500
FAX: 602-282-0520
LHIRSCH@DMYLPHX.COM

5 **LAWRENCE D. HIRSCH, #004982**
6 ATTORNEY FOR DEBTOR

7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF ARIZONA**

9 In Re:

10 JOHN PRESTON SMITH,

11
12 Debtor,

13
14 CHASE HOME FINANCE, LLC

15
16 Movant,

17 v.

18 JOHN PRESTON SMITH, Debtor;
RUSSELL A. BROWN, Trustee.

19 Respondents.
20

Chapter 13

Case No. 2:09-bk-23113 RJH

**RESPONSE TO MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY**

[RE: 21731 W. Pima Street,
Buckeye, AZ 85326]

21 Debtor/Respondent, by and through counsel undersigned, hereby respond to
22 Motion for Relief from Automatic Stay as follows:

23 1. Respondent admits that he filed the instant case and as an interest in the
24 subject property as alleged in Paragraph 1 of the Motion

25 2. Respondent admits that he executed a note and deed of trust on the subject
26 property.
27
28

1 3. Respondent admits that a default exists as alleged in Paragraph 3 of the
2 Motion.

3 4. Respondent denies the allegations of Paragraph 4 of the Motion.

4 5. Respondent admits the allegations of Paragraph 5 of the Motion.

5 6. Respondent denies the allegations of Paragraph 6
6

7 WHEREFORE, Respondents asks that:
8

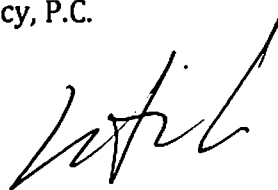
9 A. All requested relief be denied;

10 B. Respondent be awarded his costs and fees, and

11 C. For such other and further relief as this Court deems just and
12 equitable.

13 Respectfully submitted this 29th day of December 2009
14

15 DeConcini McDonald Yetwin & Lacy, P.C.

16
17 /s/ Lawrence D. Hirsch, #04982 
18 Lawrence D. Hirsch
19 7310 North 16th Street, Suite 330
20 Phoenix, Arizona 85020
21 Attorney for Debtor/Respondent
22

23 A copy of the foregoing was transmitted
24 this 29th day of December, 2009, to:

25 Mr. Russell A. Brown
26 Chapter 13 Trustee
27 3838 North Central Avenue, Ste. 800
28 Phoenix, AZ 85012-1906

1 Mark S. Bosco
2 Leonard J. McDonald
3 Tiffany & Bosco
4 2526 East Camelback Road, Suite 300
5 Phoenix, Arizona 85016

6 U.S. Trustee
7 Office of the United States Trustee
8 230 N. First Avenue, Ste. 204
9 Phoenix, AZ 85003

10 By: /s/ Linda Miernik
11 Legal Assistant to Lawrence D. Hirsch
12 7310 North 16th Street, Suite 330
13 Phoenix, Arizona 85020
14 Phone: 602-282-0473
15 Fax: 602-282-0520
16
17
18
19
20
21
22
23
24
25
26
27
28